

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

ORDER NO. R9-2003-0037

**ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
AGAINST
SOUTH COAST WATER DISTRICT
SEWAGE COLLECTION SYSTEM
FOR
NONCOMPLIANCE WITH ORDER NO. 96-04
AND
CALIFORNIA WATER CODE SECTION 13267**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board), finds as follows:

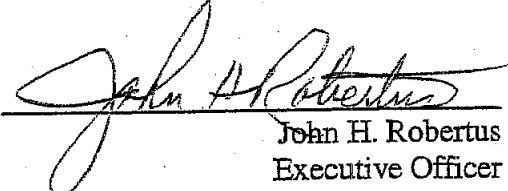
1. South Coast Water District violated Order No. 96-04, *General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewering Agencies* by failing to develop, implement, and maintain a Sanitary Sewer Overflow Prevention Plan, by filing a sanitary sewer overflow report late, and by filing incomplete sanitary sewer overflow reports. South Coast Water District violated California Water Code Section 13267 by failing to comply with a request for information.
2. South Coast Water District is civilly liable in the amount of \$105,000 for violations set forth in Complaint No. R9-2002-0280.
3. The Regional Board gave 30-day notice to interested parties that South Coast Water District had made a settlement offer to waive its right to a hearing on this matter and to pay administrative civil liability in the amount of \$105,000 to be allocated as follows:
 - a. \$60,000 payable to the State Water Resources Control Board's Cleanup and Abatement Account.
 - b. The District shall conduct a training seminar for sewerage agencies covered under the Regional Board's Order No. 96-04.
 - c. \$45,000 to fund one or more of the following supplemental environmental projects:
 - Community Kelp Restoration Project
 - South Orange County Watersheds Citizen Monitoring Project
 - Water Quality Testing Lab at Shorecliffs Middle School
 - Water Quality Testing Program at Laguna Beach High

- Microbial Source Tracking (MST) to Identify Sources of Fecal Indicator Bacteria
4. The Regional Board held a hearing to solicit public participation, and considered the comments of interested persons regarding acceptance of the settlement offered by South Coast Water District.
 5. Acceptance of the settlement offered by South Coast Water District is appropriate because of the following reasons:
 - a. South Coast Water District made an offer (that includes waiver of a hearing) and the Regional Board acceptance of the offer would mean there would be no petition to the State Board.
 - b. South Coast Water District took immediate action to come into compliance.
 - c. The settlement of \$105,000 is still consistent with State Board guideline listing of Major Compliance Significance and Moderate Environmental Significance.
 - d. South Coast Water District has fully engaged with Regional Board staff during this enforcement action and the Regional Board received no objections to the settlement for an amount less than the original proposed liability.
 - e. Settlement allows the Regional Board to redirect formal enforcement resources to other high priority violations.
 6. It is more desirable to allocate additional funding to supplemental environmental projects in lieu of allocating adequate funding to the Cleanup and Abatement Account to recover all staff costs associated with this enforcement action.
 7. In preparation of this enforcement action, the Regional Board incurred costs totaling \$28,130 which includes field investigations, preparation of enforcement documents, meetings, supplemental environmental project review and public hearings.
 8. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Division 13, Chapter 3, Section 21000 et seq.) in accordance with Section 15308, Chapter 3, Title 14 of the California Code of Regulations.

IT IS HEREBY ORDERED, that

1. South Coast Water District shall make a payment of \$49,960 to the State Water Resources Control Board's Cleanup and Abatement Account.

2. South Coast Water District shall conduct a training seminar for sewerage agencies covered by the requirements of Order No. 96-04.
3. South Coast Water District shall pay \$55,040 for the funding of the following Supplemental Environmental Project within 30 days of adoption of this Order:
 - Community Kelp Restoration Project, SEP03-001, in the amount of \$45,000.
 - Water Quality Testing Lab at Shorecliffs middle School, SEP03-003, in the amount of \$6,834.
 - Water Quality Testing Program at Laguna Beach High, SEP03-004, in the amount of \$3,206.


John H. Robertus
Executive Officer